

16 JUN 2006



UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450
www.uspto.gov

John J. Cunniff
HAHN LOESER & PARKS, LLP
One GOJO Plaza, Suite 300
AKRON, OH 44311-1076

In re Application of: HARDER, Claus, et al.	:	
U.S. Application No.: 10/535,084	:	
PCT No.: PCT/EP03/12532	:	COMMUNICATION
International Filing Date: 10 November 2003	:	REGARDING SECOND
Priority Date: 13 November 2002	:	SUBMISSION UNDER
Attorney's Docket No.: 117163.00137	:	37 CFR 1.42
For: USE OF ONE OR MORE ELEMENTS FROM	:	
THE GROUP CONTAINING YTTRIUM,	:	
NEODYMIUM AND ZIRCONIUM AND	:	
PHARMACEUTICAL COMPOSITIONS	:	
CONTAINING SAID ELEMENTS	:	

In a communication mailed by this Office on 25 April 2006, the declaration filed on behalf of deceased inventor Bernd HEUBLEIN was dismissed for failure to satisfy 37 CFR 1.42 and 1.497. Specifically, the declaration did not include the citizenship of the deceased inventor, it was missing a page, and the submission did not confirm that the heirs executing the declaration on behalf of the deceased inventor were the deceased inventor's sole heirs.

On 08 June 2006, applicants filed a response to the previous communication that included a revised declaration which includes all pages, sets forth the citizenship of the deceased inventor, and is executed by three persons identified as "Legal Representatives" of the deceased inventor. The declaration is accompanied by a statement confirming that these three are the only legal representatives or heirs of the deceased inventor.

The 08 June 2006 submission satisfies the requirements set forth in the previous Communication. The request for status under 37 CFR 1.42 is therefore **GRANTED**.

The application will be forwarded to the National Stage Processing Branch of the Office of PCT Operations for further processing in accordance with this decision. The date under 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) is 08 June 2006.

Richard M. Ross
Attorney Advisor
Office Of PCT Legal Administration
Telephone: (571) 272-3296
Facsimile: (571) 273-0459